

### **REMARKS/ARGUMENTS**

Reconsideration of the present application as amended is respectfully requested.

Claims 1, 3 and 5-10 remain in this application. Claims 2 and 4 have been canceled without prejudice. Claims 1, 5 and 6 are independent.

Claims 1 and 3 have been amended to provide applicant with protection commensurate in scope with the invention recited therein.

New Claim 11 has been added.

Applicant notes with appreciation that claim 5 has been allowed.

Applicant notes with appreciation a clarifying phone call with Examiner Reginald Alexander on September 25, 2009 at 8:30 AM EST. The Examiner clarified the location of the element in figure 2 of Muttoni designated by the Examiner as a "V-shaped restriction (located below chamber 26)". The designated element is the chamber located directly above the outlet to the two spouts 11 containing the endpoint of needle 21.

In the Office action dated June 10, 2009, the Examiner rejected claims 1, 3 and 6-10 under 35 USC 102(b) as being anticipated by Muttoni.

Examiner evidently rejects claims 1 and 3 via the following argument:

"There is disclosed in Muttoni a container receiving unit for use with an apparatus for preparing a beverage, the container receiving unit comprising: a receiving space (upper opening of body 1) for receiving a container 5 arranged for holding a beverage base material; a reservoir 4 for containing the beverage; a distribution system, comprising an inlet 20 connected to the reservoir at a bottom thereof, at least two outlets (spouts) 113 for dispensing the beverage, and a liquid flow path extending from the inlet to the outlets; wherein the liquid flow path comprises a V-shaped restriction (located below chamber 26) for evenly distributing the beverage over the two outlets, the restriction including wall sections at the bottom thereof extending into the restriction transversely to the liquid flow path and restricting an area of the flow path."

Applicant notes that the Examiner refers to "(spouts) 113" and presumes this reference to be (spouts) 11 as shown in figures 1 and 2 of Muttoni.

Claim 1 has been amended to claim a "two-dimensional V-shaped obstruction". Since Muttoni does not teach a two-dimensional V-shaped obstruction applicant respectfully requests that claim 1 be allowed.

The Examiner evidently rejects claim 3 by last portion of the argument above reproduced here:

"the restriction including wall sections at the bottom thereof extending into the restriction transversely to the liquid flow path and restricting an area of the flow path."

Applicant respectfully traverses this rejection as follows; the chamber of Muttoni (described above in detail) has a restricting shape that is in-line with fluid flow as opposed to being transverse e.g. at right angles, to the fluid flow as recited

in claim 3. Since Muttoni does not teach a transverse obstruction applicant respectfully requests that claim 3 be allowed.

The Examiner rejects claim 6 according the following argument reproduced here:

"the chamber 26 would equate to the claimed central transport channel, the V-shaped restriction below chamber 26 would equate to the claimed buffer chamber, and the opening at the bottom of chamber 26 would equate to the claimed restriction."

Applicant respectfully traverses the rejection as the Examiner argues that "opening at the bottom of chamber 26" is the restriction of claim 6. However claim 6 specifically teaches the use of a buffer chamber via a restriction. Since the sequence of elements of Muttoni is different than that of the claim 6, applicant respectfully suggests that claim 6 is allowable.

The Examiner rejected claims 7 and 8 by suggesting that the channel which forms the spouts 11 would equate to the claimed further restriction and surface.

Applicant respectfully disagrees with the characterization of the spouts 11 as a restriction. A restriction must reduce the fluid flow path before expanding the fluid flow path. Since according to figure 2 the flow path of the spouts is apparently at the same diameter for the entirety of the spout, there is no restriction of the fluid flow. Since there are no restrictions in the spouts of Muttoni, applicant respectfully requests that claim 7 be allowed.

Since claims 7 and 1 are allowable, dependant claims 8-10 are also allowable. Applicant respectfully requests that claims 8-10 be allowed.

In view of the above, it is respectfully submitted that Claims

1, 3, and 6-10 are patentable and that the present application is in condition for allowance. Applicant notes that claim 5 has been allowed. A Notice of Allowance for the remaining claims and new claim 11 in this application is earnestly solicited.

If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.

Please charge any fee deficiencies and credit any overpayments to Deposit Account No. 14-1270.

Respectfully submitted,

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September 25, 2009